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In Re Application of:

A. David Johnson et. al.

Serial No.: 10/661,035

Filing Date: 9/15/2003

For: Thin Film Shape Memory Alloy  
Actuated Microrelay

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on May 5, 2004 .  
Richard E. Backus, Reg. No. 22,701  
Signed: RE Backus

Mail Stop Issue Fee  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RULE 116 AMENDMENT AFTER FINAL

Sir:

Under 35 USC §116 please amend the names, residences and citizenship of the inventors in the subject application by inserting the following in front of the inventors currently listed in the Filing Receipt, and add the names to the listing in the patent when it issues:

-- A. David Johnson, San Francisco, CA (US), Vikas Galhotra, Union City, CA (US) --

REMARKS

A Notice of Allowance And Fees Due was issued on 4/26/2004. The first-named inventor was shown in that Notice as "Vikas Gupta." It is also noticed that the filing receipt lists the inventors as Vikas Gupta and Valery Martynov.

The foregoing inventorship listings appear to be in error in that parent application S/N

09/821,840 filed 3/28/01, of which the subject application is a divisional, has four inventors listed in the order: A. David Johnson, Vikas Galhotra, Vikas Gupta, and Valery Martynov. That is the correct inventorship listing because under Rule 1.41(a)(1) "(I)nvmentorship of a nonprovisional application is that inventorship set forth in the oath or declaration ..." Attached is the three-page declaration from the PTO file of S/N 09/821,840 which shows the same inventorship listing.

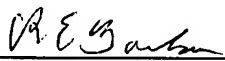
Applicant's Utility Patent Application Transmittal form PTO/SB/05 in the subject application shows from (box 5(a)) that a copy of the Declaration from the prior application was intended to be included with the papers being filed, and further in box 18 that the continuing application was a divisional. In the event the declaration as actually filed was incomplete (e.g. a missing page 2), then the entire declaration from the prior application is to be considered incorporated by reference, and a complete copy of that declaration is being supplied herewith as stated above.

This Rule 116 amendment does not broaden the scope of the invention, and thus it is respectfully submitted it is appropriate for entry.

Should the Office have any questions, a telephone call to applicant's attorney at 415-979-9876 is invited.

Respectfully submitted,

Date: May 5, 2004

  
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